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Reality Written for the Privileged Few: A Review of Erased: The Impact of FOSTA-SESTA By Danielle Blunt and Ariel Wolf

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REALITY WRITTEN FOR A PRIVILEGED FEW
REVIEW OF
ERASED: THE IMPACT OF FOSTA-SESTA
BY DANIELLE BLUNT AND ARIEL WOLF.
HACKING/HUSTLING, 2020.

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THE FIGHT ONLINE SEX TRAFFICKING ACT (FOSTA) and the Stop Enabling Sex Traffickers Act (SESTA) were signed into law in April 2018, closing a loophole in the Communications Decency Act of the 1990s. FOSTA-SESTA would increase accountability and liability for Internet service providers (ISPs), and online platform hosts for instances where they knowingly or in gross negligence allowed or facilitated sex trafficking. The new laws radically changed the online landscape of the sex trade as it had existed for more than a decade.

I am the founder of a direct service organization that walks alongside individuals who are exiting and healing from the sex trade. Daily, I see firsthand the devastating harm to individuals and families that is caused by prostitution, sex trafficking and pornography. Also, I hold lived experience as an adult survivor of domestic third-party sex trafficking as well as a survivor of commercial sexual exploitation and survival sex. Yet, throughout both the trafficking and the survival sex, I saw myself as a consenting adult sex worker, and even advocated on behalf of full decriminalization and legalization policy. It was not until after exiting, receiving intensive trauma therapy, and beginning my work in the anti-trafficking field that I came to fully understand how horrific these forms of commercialized gender-based violence are.

Most of the times I was trafficked, it was organized through Backpage. During those years, I spent my time in a community on social media and in online forums. I understand firsthand the double-edged sword of technology and how drastically April 2018 changed the online environment. Finally, because of these other experiences and perspectives I hold, I am a national public speaker, trainer, and consultant on issues related to domestic sex trafficking and the commercial sex trade. I travel extensively and meet with diverse groups of professionals and concerned citizens whose daily lives in some way intersect with this issue.

I am a budding academic researcher who is applying cultic theory to the study of the grooming, recruitment, and retention of victims into the sex trade. Cult theory can be defined by the four main areas of control by the group's leader and ideology: behavior; information; thoughts; and emotions. Through this lens, it can be better understood why victims of sex trafficking are so insistent of their own free will where none actually exists, the disconnection from mainstream social supports, and the defending of an ideology that serves only their abuser.

The debate around prostitution and sex trafficking/commercial sexual exploitation is defined by two types of feminism: radical feminism and liberal feminism. Liberal feminism has historically been characterized by an individualist approach, focus on individual rights and choices, and is aligned with the "my body, my choice" mentality that if an individual wants to sell sex, she should be legally allowed to do so. This framework seeks to find increased quality within the existing societal systems. Radical feminism, conversely, recognizes the inherent systemic inequities at play in society that marginalize entire populations into positions of vulnerability that remove truly free choice. Radical feminists view women and girls as a class rather than viewing as just individuals in a society. Radical feminism, within the context of applying feminist theory to prostitution and the sex trade, seeks to dismantle systems of oppression that push and pull marginalized individuals into selling sex. Largely differing from the exclusionary liberal feminist perspective, radical feminists recognize the critical importance of centering the voices of those most impacted by the commercialization of sex and using points of privilege to advocate for systemic changes that meets the needs of these marginalized voices. What liberal feminism leaves out with regard to commercialized sex is that the sale of sex is overwhelmingly performed by those with less privilege and significant intersections of marginalization, where selling sex is the only viable option for economic survival.

Erased: The Impact of FOSTA-SESTA, a community report, published by Hacking/Hustling, was first published in March, 2020. When I started to read it, within the first two pages, I began highlighting and scribbling comments in the margins. The report is filled with contradictory statements, unsubstantiated claims, and inaccurate interpretations of cited works. Methodologically, *Erased* is a representation of exclusionary liberal feminism. People with the privileged perspective of liberal feminism in the sex trade create and lead a social justice movement to gain rights that benefit only themselves. Liberal feminists purport to include the voices of marginalized populations; however they ultimately exploit these voices for their own agenda. In reality, those marginalized folks will be left to survive an increasingly violent, oppressive world once those with privilege leading the movement get what they want to make their own lives less unfair. Additionally, *Erased* continues to fuel the narrative that was started and continues to be perpetuated by the pro sex work lobby around claims of the removal of harm reduction resources online.

ANALYSIS AND DISCUSSION OF *ERASED*

Erased is an analysis of FOSTA-SESTA's impact on people in prostitution. The authors of *Erased* aim to criticize FOSTA-SESTA, and prove that the passing of these laws has only served to harm people in prostitution. Danielle Blunt and Ariel Wolf are members of Hacking//Hustling, a group of sex workers and allies who advocate on social justice issues that intersect with digital rights. Danielle Blunt is a Dominatrix with a Master's in Public Health, while Ariel Wolf is a writer, researcher, and former sex worker. Blunt and Wolf were advised on this community report by Naomi Lauren of Whose Corner Is It Anyway (WCIIA). WCIIA is a mutual aid community group led

by and for low-income, survival, and street-based sex workers with substance use disorders. Lauren's biography in the opening pages of *Erased* lists her as a "long time stripper." This community report includes findings from Blunt and Wolf's original online survey and in-person interviews among people in prostitution.

I remember when the news broke in April 2018 that Backpage, the website that knowingly facilitated and profited from not just prostitution but the trafficking of both children and adults, had been seized and shut down by the FBI. I vividly remember being at a meeting at Villanova University surrounded by fellow survivors of the sex trade. A mix of emotions and outcries filled the room. As a survivor of sex trafficking and commercial sexual exploitation that happened primarily on Backpage, I felt relief and a sense that perhaps justice for women like me was possible. As a direct service provider, I felt a sense of impending doom for the women we serve who would be impacted in unknown ways by this sudden and drastic change in the online sex trade landscape. Within minutes of the news breaking, my phone began to fill up with messages from women receiving services from us, terrified at how they were going to pay their rent or meet their pimp's quota, and the social media network community became filled with conversations about Backpage's demise and what to do now.

Erased is a 43-page report that attempts to critically attack this legislative attempt to hold ISPs and website owners accountable for knowingly or allowing with blatant disregard the trafficking of persons on their platforms and sites. The community report is based on two methods of data collection. First, Hacking//Hustling developed and distributed an online survey through their pro sex work lobby network of partner agencies, and through the sex worker community on Twitter. The survey was left open for one month, during which time a total of 98 responses were gathered. Hacking//Hustling then partnered with WCIIA to adapt the online survey into a verbal interview format in order to speak directly with people in prostitution who had significant barriers to accessing the online community, and who were primarily engaged in street prostitution. Again, active for one month, a total of 38 interviews were conducted, four of which were conducted in Spanish.

Based on the survey demographics, of the 98 online respondents, a total of 17 did not live within the US, and an additional five did not provide an answer for their country of residence. Despite this, all 98 respondent surveys were included in the data analysis regarding a US-based policy change. Methodologically, these 17 respondents should have been removed from the sample prior to analysis to ensure experiences regarding domestic policy were from individuals impacted by the domestic policy.

Based on the in-person interview demographics, there is a discrepancy between the methods section of the report and the infographic on page eight. In the methods section, the authors state that 38 individuals were interviewed, while on the infographic, the sample is stated to be 41. Additionally, while the authors acknowledge on page 12 that the WCIIA interview participants did not express any significant impact on their daily experiences in street-based prostitution, the authors decided to use the demographics and other findings to build a case for support in proving FOSTA-SESTA had had a negative impact on all people in prostitution.

Throughout *Erased*, its writers weave a text of contradictory statements. For example, they claim people in prostitution are not able to access online resources to protect themselves due to the new legislation: "Sex workers who use social media to connect with community or share harm reduction working tools may now find themselves isolated" (p. 25). Yet, later they share survey findings that show most

respondents have increased their online community participation since the passing of FOSTA-SESTA (p. 27). These two contradictory claims are never reconciled.

Over the past decade, online sex buying review and discussion forum websites have been seized and shut down, their owners and top contributors being charged with a slew of commercial sex-related crimes. While small, local forums and networks exist, there are only two large, nationally-reaching forums that remain active and accessible here in the US since the passing of FOSTA-SESTA. My own research on these remaining online review forums is that the online commercial sex community has closed ranks in a protective fashion, creating nearly impossible barriers to entry for new sex buyers and sellers/traders (Lundstrom 2018). Individuals selling sex on these forums have increased their screening practices of unvetted, new sex buyers, requiring references and personal identification documents prior to meeting in person. Likewise, online review forums have become significantly more difficult to obtain a registered account for those who sell sex – the remaining forums require the submission of information such as a facial photo, state-issued photo ID, credit card, and references from others who sell sex as well as reviews from those who buy sex. Together, these precautions are ultimately what is restricting the online commercial sex community as a result of FOSTA-SESTA. Yet, evidence remains that providers engaged in online commercial sex communities are still active and checking references of dates and building a sense of community; the groups have simply become more exclusive to protect their owners at the expense of those who sell/trade sex.

The report acknowledges that oppression, marginalization, and poverty exist and affect people in the sex trade. However, *Erased* authors ignore the macro level issue that the commercial sex trade is inherently a form of gender-based violence. They call for decriminalization of selling sex, as well as of purchasing sex (p.39). Those who pay for sex should not be seen as equal counterparts to those who sell sex. Legalizing or fully decriminalizing systemic inequalities does not eradicate them, rather it normalizes and promotes them. A sociological examination will reveal the social stratification that white middle- and upper-class men overwhelmingly hold more power in society than women from all backgrounds, not to mention those who hold further marginalized identities and are at risk for exploitation.

Rather than sticking to the findings of the surveys and interviews gathered by Blunt and Wolf, and supporting the need for their study with previously-conducted research, the report is riddled with unsubstantiated claims that are not supported with data and would be better suited for an opinion piece. Blunt and Wolf go so far as to criticize the firm established and important anti-sex trafficking law:

anti-trafficking law criminalizes the very people whom sex workers depend on for safety and support. When a partner or family member provides housing, transportation, safe calls, or financial support to someone trading sex, this person under current legal definition can be considered a trafficker (p. 3).

According to the annual US Trafficking in Persons (TIP) Reports, there have been just over 2000 traffickers arrested in connection with Trafficking Victims Protection Act (TVPA) trafficking legislation-related criminal activities. This is an underwhelming number considering the estimated prevalence of domestic sex trafficking, and a majority of the arrests that resulted in prosecution and successful conviction were severe cases of force, fraud, and coercion that included substantial physical evidence and victims willing and able to testify. The accusation that family members and

intimate partners who work to reduce harm and provide social support for a person selling/trading sex are rampantly being arrested on trafficking charges is incorrect. Truly, individuals are arrested on trafficking charges in these domestic-based crimes are traffickers or sex buyers who use “circumstance or coercion” to exploit victims. They *should* be held accountable for these predatory behaviors.

Erased authors accurately admit that the sex trade is a dangerous place for those who sell/trade sex due to the violence from buyers who regularly act out against them. The report attempts to argue that being able to sell sex online decreases homicides and sexual assault. They cite an unpublished, non-peer-reviewed paper (Cunningham, DeAngelo, and Tripp, 2017) that compared the increase in use of websites such as Craigslist with homicide and reported sexual assault statistics of all females, which showed a significant reduction in these crimes over the time period studied. What anyone either in the sex trade or with direct contact to it knows is that individuals who sell/trade sex are incredibly unlikely to report sexual assaults due to fear of arrest, rejection of victim services and very little hope of the investigation and successful prosecution of their attacker (Miller 1993; Miller and Schwartz, 1995; Nixon, 2002). Additionally, this cited paper has been extensively critiqued and found to be methodologically unsound.

In comparing the increase in availability of prostituted persons to a broader demographic of male sex buyers in the decrease in reported sexual assaults, *Erased* inadvertently suggests that when rapists have access to an othered class of people who have little recourse in reporting abuse and assaults, they were less likely to abuse and assault *non*-prostituted women. The reality is that predators view people who sell/trade sex as a lower class of people who are deserving and acceptable recipients of sexual violence, and in making this class accessible to the masses through online advertising platforms, the Internet only “protected” the more privileged and less marginalized populations rapists otherwise prey upon and assert dominance over.

While *Erased*’s argument is weakened by the unsupported literature and attempts to connect points in historical events, where it becomes systemically harmful is within the methodology and sampling. Despite the acknowledgement that the limitations in the sample accessed do not proportionately represent individuals in who sell and trade sex, the report attempts to apply the findings broadly anyway as justification for full decriminalization legislation. They survey respondents who were recruited through Twitter, were overwhelmingly younger, white and housed, while the interview participants who were recruited through WCIIA were overwhelmingly older women of color who were experiencing housing instability. While some of the findings were noted to acknowledge which population of respondents and participants were being represented, most of the report groups the experiences of both samples throughout. Additionally, the authors even highlight the themes within the WCIIA sample when it benefitted their overarching argument, even though the authors themselves acknowledge in the closing limitations section that they use a small sample, and the responding participants may not have fully understood what FOSTA-SESTA was or what it was supposed to do (p. 34). The use and subsequent dismissal of the voices and experiences of women of color to build a case for support for changes in legislation that benefit the relatively privileged is a powerful example of liberal feminism because it takes a passive bystander role to the reality of this population’s experiences as an area of needed advocacy. *Erased* ignores the voices of these individuals, instead of listening to the experiences of those selling sex within the street-based area of the industry and advocating to increase access to safer spaces for them.

Additionally, the methodology used in this study – particularly the measures of self-reported violence and the time frame surrounding that question – are problematic. Both samples were asked if they had experienced violence before and after FOSTA-SESTA with the online and WCIIA samples responding 36% and 22% before, and 33.8% and 13.9% after, respectively (p. 15). The claim by Blunt and Wolf that FOSTA-SESTA has caused an increase in violence is directly contradicted by their own survey results. Even if these reports of violence had supported the authors' claims that violence increased, there are significant methodological issues; a side note states that the before numbers include violence experienced anytime in their lifetime before 2018, while the after numbers only represented the two years between the passing of FOSTA-SESTA and the time the data was collected. Methodologically, it would have been more accurate to ask respondents and participants about the two years before 2018, and the two years following as a basic control for a lifetime of violence in the sex trade that likely contributed to the before numbers. The need for accurate, clear, and consistent communication of findings is critical when analyzing the impact of anti-trafficking legislation. *Erased* failed to provide clarity on perhaps the report's most important claim.

In addition, their findings that 23.71% of online respondents stated their housing has changed since April 2018 (p.18) is a spurious correlation. There is no evidence of how respondents' housing has changed, or that it changed as a direct result of FOSTA-SESTA. Accessible and affordable housing is a known risk factor for commercial sexual exploitation and a known barrier for long-term exit (Dank, Yahner and Yu, 2017). The attempted correlation of sudden housing instability for this population as a result of the changes in legislation for ISPs and website owners who intersect with the sex trade neglects to account for the ongoing social and systemic issues that happen to individuals before, during, and after they find themselves selling/trading sex.

The true systemic findings in the study for *Erased* are drowned in the authors' own political agenda. The authors acknowledge the harm to vulnerable and marginalized people with few or no options, while still supporting decriminalization. They write:

exploitation happens more frequently to those who live within complex situations of immigration, intimate partner violence, poverty, disability, and various other axes of oppression ... [and] without providing recourse specific to these situations, those who face exploitation may find it safer to remain quiet (p. 41).

Yet on the very same page, Blunt and Wolf press the full decriminalization agenda by insisting that "people who purchase sexual services" should also be decriminalized. Rather than exploring systemic issues behind why 78% of WCIIA respondents do not have a bank account (p. 29), or the fact that 47% of black trans women have traded sex (p. 33), *Erased's* solution is to simply systemically allow the exploitation of these populations through the sex trade. The authors missed an opportunity to explore systemic commonalities of prostituted people to better advocate for changes in policy and practices in the housing, employment, and financial industries that would ultimately increase accessibility and therefore stability.

Additionally, the report skims over the systemic issues of inadequate employment options and barriers to employment in other industries. *Erased* states 60.4% of online respondents experience barriers to accessing jobs outside the sex trade because of limitations and vulnerabilities such as "mental illness, chronic illness, and disability

... single parenthood and full time school enrollment ... previous criminal records, lack of education, and large gaps in resumes.” Yet the authors feel justified in supporting the solution that fully decriminalizing the sex trade would create economic opportunities for hurting, vulnerable and otherwise optionless individuals to survive (p. 16). This is not a solution at all, but rather a white flag of surrender in enduring the patriarchal capitalist system.

Another example of how *Erased* misses the mark and where the finger should be appropriately pointed is with regards to the financial abuse sex buyers perpetuate against individuals selling/trading sex that use electronic banking options to process payments. The authors attempt to build a case that financial institutions explicitly discriminate against sex workers, though they do not say how or provide evidence of that happening. In reality, financial institutions prohibit the movement of illegally-obtained funds, and it is quite often the intentional attack from a sex buyer that results in a frozen or closed account:

clients referencing ‘suspicious’ activity in the memo, clients trying to retroactively reverse payments or telling their bank it was a fraudulent charge and being reported by an abusive partner or potential client (p. 29).

The report misses the examination into the commercialized aspect of gender-based violence that occurs in these scenarios, instead blaming the financial institutions.

Before the passing of FOSTA-SESTA, the pro sex work lobby used fear-mongering to lobby about how the passing of this legislation would also mean the removal of harm reduction websites such as “bad date lists.” The truth is that FOSTA-SESTA does not apply to the individuals who sell or trade sex online, but rather online platforms knowingly maintaining a space for trafficking to occur (Coalition Against Trafficking in Women, 2017). *Erased*’s authors claim that there is both fear and a lack of legal advice for the implementation of FOSTA-SESTA when in reality it was the full decriminalization/legalization lobby that has withheld these resources from individuals selling/trading sex online to push their political agenda (p. 9).

There is a common theme of misinformation surrounding FOSTA-SESTA that has been spread throughout the online sex trade community such as that individuals selling/trading sex online will experience further legal repercussions. The reality is the claim that “tremendous fear in the community” (p. 43) is the result of the advocates refusing to educate their peers, and withholding publicly accessible information about how these laws may or may not impact them (Rhodes, Pizzi and Robinson, 2018).

CONCLUSION

In closing, I agree with the authors’ statement that “the voices and experiences of those who have experienced violence and labor exploitation should be the ones dictating what protections should be in place to prevent trafficking” (p. 39). Community-directed research applied in legislation is exactly what FOSTA-SESTA was: survivors of the sex trade assisted with the writing, lobbying, testifying, and witnessing the signing into legislation. It is also imperative to recognize that “those who have worked in the sex trade are the experts of their own experiences,” (p. 41). This is where we need allies to walk alongside us as we build scientific, evidence-based arguments and navigate complex systems of change. If *Erased*’s authors are truly interested in saving lives through policy reform, recognizing that those who have successfully and entirely

exited the sex trade, and those who were trafficked while in the sex trade need to be acknowledged and included in the narratives, as do those relatively further-marginalized. Without accurately including these othered and silenced voices in the exploration of policy solution discussions, the debate is a one-sided, exclusionary monologue. Therefore, *Erased* is a biased, unhelpful, and inaccurate report on the impact of FOSTA-SESTA on persons in prostitution.

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Megan Lundstrom is the co-founder and Director of Research of The Avery Center for Research and Services, an anti-trafficking organization dedicated to centering the voices of those with lived experience in order to effect the changes necessary for communities, systems, and culture to decrease instances of exploitation. Megan is a published author and researcher, specializing in the intersections of pimp-controlled sex trafficking, cultic theory, and social media. She has consulted and trained for numerous federal, state, local and corporate entities including the Department of Homeland Security, the Department of State, the Office for Trafficking in Persons, the National Human Trafficking Training and Technical Assistance Center, and Polaris. Megan is passionately involved in providing anti-money laundering intelligence, and is on the advisory councils of both MOSAICS at American University and ALIGHT. Megan holds a BS in Finance and a MA in Sociology from the University of Northern Colorado.

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